

MOTOR CARRIERS

CHAPTER 500

INTERSTATE REGISTRATION AND OPERATION OF VEHICLES

[Prior to 6/3/87, Transportation Department[820]—(07,F) Ch 1]

761—500.1(326) Definitions.

“*Carrier*” includes, where applicable, natural persons, corporations, trusts, unincorporated associations and partnerships.

“*Combined gross weight*” means the gross weight of a motor vehicle plus the gross weight of a trailer or semitrailer to be drawn.

“*Commercial vehicle*” means any vehicle with a gross weight and registered weight in excess of 12,000 pounds, or either a gross weight or registered weight in excess of 12,000 pounds, or such other weight as prescribed by agreement with another jurisdiction, which is operated in interstate commerce or combined intrastate and interstate commerce and used for the transportation of persons for hire, compensation or profit, or designed or used primarily for the transportation of property. In addition, all trucks, truck tractors or road tractors with a gross weight or registered weight of less than 12,000 pounds or such other weight as prescribed by agreement with another jurisdiction but with a combined gross weight or registered weight in excess of 12,000 pounds shall be considered a commercial vehicle.

“*Gross weight*” means the empty weight of a vehicle plus the maximum load to be carried thereon.

“*One-way rental vehicle*” means a truck of less than 26,000 pounds gross vehicle weight which is leased for less than 30 days for the purpose of moving property other than the lessor’s.

“*Power unit*” means, for registration purposes, a bus, truck, truck tractor, road tractor or tractor.

“*Vehicle allocation*” means a method of paying proportional fees by purchasing 100 percent licenses for a certain percentage of a fleet, determined by the Iowa mileage.

This rule is intended to implement Iowa Code section 326.1.

761—500.2(326) General information.

500.2(1) Location. Applications, forms and information on interstate registration and operation of vehicles are available by mail from the Office of Motor Carrier Services, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382; or in person at its location in Park Fair Mall, 100 Euclid Avenue, Des Moines, Iowa; telephone (515)237-3264.

500.2(2) Organizational data. The office of motor carrier services of the motor vehicle division is authorized, pursuant to Iowa Code chapter 326, to:

- a. Administer motor vehicle reciprocal and prorational agreements with other jurisdictions;
- b. Compute and collect registration fees due this state under proportional registration agreements; and
- c. Issue license plates, stickers, or other identification to vehicles subject to proportional registration, issue reciprocity permits and stickers to qualified carriers, and issue temporary authority and trip permits to qualified carriers.

This rule is intended to implement Iowa Code chapter 326 and section 17A.3.

761—500.3(326) General course and method of operation. The operations of the motor vehicle division relating to reciprocity and prorate registration shall be conducted in the following manner:

500.3(1) Prorate registration. If the carrier is qualified for prorate registration, the following procedures are used:

- a. The proper form for registration, Form 442015, shall be completed by the carrier and sent to the office of motor carrier services at the address in subrule 500.2(1). (See subrule 500.3(5) for application instructions.)

b. All Iowa applications not properly completed in accordance with the International Registration Plan (IRP) instructions shall be returned to the carrier for the necessary information or corrections.

c. The vehicle and mileage data contained in the application shall be processed and an invoice prepared and forwarded to the carrier.

d. The carrier shall remit the fees with the information as required on the invoice. Payment(s) of international registration plan fees may be by check or money order, made payable to the Iowa Department of Transportation, except payment(s) shall be by money order, cashier's check, certified check or cash for a carrier with no Iowa fee payment history.

e. When payment is received by the office of motor carrier services, credentials shall be issued to Iowa-based vehicles. If credentials are lost, duplicates may be obtained by contacting the office of motor carrier services and paying the fees specified in Iowa Code section 321.42 plus mailing costs. For purposes of this paragraph, "credentials" for IRP means an apportioned plate, validation sticker and cab card, or temporary authority.

500.3(2) Iowa reciprocity permits. A carrier who is a resident of a state with which Iowa has a prorate agreement, but does not qualify as a fleet operator and is not subject to proration, is required to have an Iowa reciprocity permit on any truck or tractor having a gross weight, combined gross weight or registered weight in excess of 12,000 pounds, or such other weight as prescribed by agreement with another jurisdiction, when operated on the Iowa highways. The "Iowa Reciprocity Permit" may be obtained by contacting office of motor carrier services at the address specified in subrule 500.3(6) (see subrule 500.3(4) for application instructions).

a. There is an annual fee of \$2 for each reciprocity permit.

b. The vehicle covered by the reciprocity permit shall engage only in interstate commerce in the state of Iowa. The vehicle which is being operated under reciprocity permit is not permitted to engage in intrastate commerce even though that movement might be simultaneous with the movement in interstate commerce.

c. The vehicle covered by the Iowa reciprocity permit is authorized to engage in interstate operation in Iowa provided the carrier has proper operating authority, as required, from the state department of transportation.

d. The vehicle shall not operate in Iowa at a greater weight than shown on its registration.

e. The vehicle shall not operate in Iowa on a license plate whereunder the registration is limited geographically, purposewise or mileagewise.

500.3(3) Trip permits. All commercial vehicles as defined in rule 500.1(326) shall be subject to the trip permit requirements of Iowa Code chapter 326.

a. The carrier may purchase trip permits in advance by mailing a written request to the office of motor carrier services at the address specified in subrule 500.2(1). Such requests shall include the appropriate permit fee remittance. Carriers purchasing registration trip permits in advance of use cannot return unused permits for refund.

b. Permits may be purchased directly from truck stops in several locations across the state which have executed a "Trip Permit Agreement." A list of participating truck stops may be obtained by contacting the office of motor carrier services.

c. Trip permits may also be obtained by wire service, such as InstaCom and Transceiver. Trip permits may be sent collect to truck stops possessing the wire service equipment. Information on truck stops with wire service equipment may be obtained from the office of motor carrier services.

500.3(4) Vehicle allocation. Allocation privileges shall be granted to fleets composed exclusively of one-way rental vehicles. Carriers desiring to allocate vehicle registration with the state of Iowa shall submit application on or before December 1 of the present license year to be eligible for allocation in the coming license year.

a. Applications shall be submitted to the office of motor carrier services at the address in subrule 500.2(1) and shall include the following information:

(1) Name, address, and federal identification number of applicant;

(2) A description of the vehicles to be allocated including unit number, year, make, serial number, combined gross weight, type of vehicle, type of power, title number and state documentation;

(3) A mileage schedule indicating miles by jurisdiction.

b. Iowa base plates will be issued using the following method:

(1) The Iowa mileage percent factor will be determined by dividing the Iowa miles generated by the fleet by the total fleet miles from the period September 1 to August 31 of the previous license year.

(2) The number of vehicles to be fully registered will be determined by multiplying the Iowa mileage percent factor by the total number of vehicles in the fleet.

(3) Fees will be determined by multiplying the number of vehicles to be fully registered by the registration fee for the combined gross weight of the vehicles.

c. The office of motor carrier services shall send to the carrier an invoice based upon the above method.

d. Fees paid by fleets being allocated shall be equal to or exceed the fees paid if they were calculated according to Iowa Code sections 326.6 and 326.10.

e. Vehicles being allocated are granted intrastate privileges (provided the registrant has proper intrastate authority from the appropriate regulatory agency or is exempt from regulation by the regulatory agency) if base licensed in Iowa or in a state to which Iowa, by virtue of bilateral agreement, has granted intrastate privileges.

f. If the carrier who is granted allocation privileges operates a fleet of vehicles which is not allocated and not clearly identifiable, the vehicles of the allocation fleet not displaying an Iowa base plate must display an Iowa prorate decal and cab card.

500.3(5) Forms and instructions.

a. The application for prorate registration is made on Form 442015.

(1) Renewal forms for the coming year are prepared automatically and mailed in November to all carriers who maintained an active fleet on prorate with Iowa during that year.

(2) The carrier shall then delete from the renewal form the units that it does not wish to license for the coming year. Application for registration of additional vehicles for the coming year should be submitted on the renewal or Form 442015.

b. Reciprocity applications are to be requested on the three-part form "Iowa Reciprocity Permit" which identifies the owner, the lessee, if any, and the vehicle for which registration is requested.

(1) Reciprocity applications for the coming year shall be mailed automatically to parties who have completed and returned the mailing labels distributed with the current year reciprocity permits.

(2) Additional applications may be requested from the address specified in subrule 500.2(1).

c. Iowa prorate and reciprocity instructions are available from the office of motor carrier services in November prior to the registration year beginning in January.

d. If prorate or reciprocity renewal applications are not received by the carrier by December 1, it is the potential applicant's responsibility to so inform the office of motor carrier services and make the necessary arrangements for registration.

500.3(6) Methods by which information may be obtained. Rescinded IAB 4/28/93, effective 6/2/93.

This rule is intended to implement Iowa Code sections 321.42, 326.6, 326.7, 326.10, 326.10A, 326.22, 326.23, 326.25 and 326.26.

761—500.4(326) Trip-leased vehicle. The reciprocal or proratational agreements negotiated by the department on behalf of the state of Iowa extend benefits to leased vehicles on the basis of the residence of the lessee with the exception of household goods carriers. The department of transportation has developed the following policy with respect to restrictions on single trip-lease operations.

500.4(1) Prior to a single trip-lease movement of a commercial vehicle (truck-tractor or truck) by a carrier who has prorated its fleet, the lessee must complete a trip permit pursuant to subrule 500.3(3) if:

a. The leased vehicle is not fully registered in Iowa, or

b. The leased vehicle has not already been prorated in Iowa.

500.4(2) Trip-lease miles shall be reported according to the agreements between the base states of the lessor and lessee. Under no circumstances is the carrier permitted to trip-lease a vehicle owned or under lease of 30 days duration or longer to the lessee. The prorate carrier must provide documentary evidence that the vehicle is being operated pursuant to a trip-lease arrangement.

500.4(3) The Iowa carrier who has not registered a vehicle on prorate is permitted to trip-lease any vehicle fully licensed in Iowa or prorated with Iowa without obtaining a trip permit. If the vehicle being operated on a trip-lease basis is registered in another state and has not been prorated with Iowa, the following requirements must be met:

a. There must be documentary evidence that the vehicle is being operated pursuant to a trip-lease agreement.

b. The vehicle must be registered in the state of the residency of the registered owner.

c. The lessee must obtain, complete and carry with the vehicle, a trip permit pursuant to the trip permit provisions of Iowa Code chapter 326.

d. The trip-lease movement must be in compliance with requirements of the interstate commerce commission.

500.4(4) The nonresident carrier who is not subject to prorate registration in Iowa is permitted to trip-lease any vehicle fully licensed in Iowa or prorated with Iowa without obtaining a trip permit. If the vehicle so operated is registered outside Iowa and has not been prorated with Iowa, the following requirements must be met:

a. There must be documentary evidence that the vehicle is being operated pursuant to a trip-lease arrangement.

b. The vehicle must be registered in the state of residence of the registered owner.

c. The lessee must obtain, complete and carry with the vehicle, a trip permit pursuant to the trip permit provisions of Iowa Code chapter 326.

d. The trip-lease movement must be in compliance with requirements of the interstate commerce commission.

500.4(5) The nonresident carrier based in a prorate jurisdiction, but not subject to prorate, shall be denied reciprocity if the carrier trip-leases a vehicle that if added to the carrier's fleet would entitle the carrier to prorate under the provisions of reciprocal or proratational agreements with that prorate state.

761—500.5 Reserved.

761—500.6(326) **Iowa temporary prorate permits.** Rescinded IAB 4/28/93, effective 6/2/93.

761—500.7(321,326) **Policy on registration credit.** If a vehicle is deleted from the prorate fleet and replaced with a comparable vehicle, the unexpired Iowa prorate registration fees may be applied to fees due Iowa on the replacement vehicle by submitting an application on Form 442015.

This rule is intended to implement Iowa Code sections 321.126, 321.127 and 326.12.

761—500.8(326) **Cancellation for nonpayment of registration fees.** Each January 31, the office of motor carrier services will send a notice of delinquency to all carriers whose registration fees are 30 days overdue. The notice of delinquency will state that the carrier's fleet registrations shall be canceled unless payment is received within 20 days.

This rule is intended to implement Iowa Code sections 326.16 and 326.25.

761—500.9(326) **Voluntary cancellation of registration.** A carrier may cancel an application for prorate registration (Form 442015) within 15 days after the application has been received by sending a written notice to the office of motor carrier services at the address in subrule 500.2(1). The notice shall

state the reason for cancellation, the licensing status and ownership and be signed by the carrier or its representative. If notice is not received within 15 days, all registration fees shall be paid in full.

This rule is intended to implement Iowa Code sections 326.6 and 326.16.

761—500.10(321,326) Monthly penalty. On February 1 of each year, a penalty of 5 percent of the outstanding registration fee shall be added to all fees not paid by that date, and 5 percent shall be added to such fees on the first of each month thereafter that the same remains unpaid. For purposes of computing the applicability of a penalty, letters containing remittances postmarked after the last day of the month shall be delinquent regardless of the date appearing on the face of the check.

This rule is intended to implement Iowa Code sections 321.134 and 326.30.

761—500.11(326) Temporary authority. A carrier may obtain temporary written authority to operate vehicles that have been added to its prorate fleet for the period of time required to process the supplemental application. The authority shall not exceed 90 days.

500.11(1) The office of motor carrier services shall issue temporary authority to qualified carriers upon receipt of an oral or written request from the carrier. Temporary authority shall not be issued unless the original application for the registration year has been filed with the office of motor carrier services.

500.11(2) Rescinded IAB 4/28/93, effective 6/2/93.

This rule is intended to implement Iowa Code section 326.11.

761—500.12(321,326) Making claim for refund. Refunds of fees previously paid for the registration of motor vehicles may be made in accordance with Iowa Code sections 321.126, 321.173 and 326.15. Claim forms (Form 441021) may be obtained from and completed claim forms shall be returned to the office of motor carrier services at the address in subrule 500.2(1).

This rule is intended to implement Iowa Code sections 321.126, 321.173, 326.12 and 326.15.

761—500.13(326) Late applications. The office of motor carrier services requires that renewal applications for prorate be submitted no later than January 1 to ensure adequate time for processing and payment prior to the February 1 penalty date. Renewal applications for prorate received on or after February 1 shall be assessed a penalty of 5 percent of the registration fee owing. An additional 5 percent penalty shall accrue beginning March 1 and on the first of every month thereafter until the application is received.

761—500.14(321) Payment of first half fee. Iowa-based carriers with commercial vehicles that are subject to proportional registration and eligible to pay registration fees in semiannual installments, pursuant to Iowa Code section 321.134, shall be extended this privilege until May 20 of the current registration year. Thereafter, payments shall only be accepted in the amount of the annual registration fee pursuant to Iowa Code sections 321.105 and 321.106.

This rule is intended to implement Iowa Code sections 321.105, 321.106 and 321.134.

761—500.15 Rescinded, effective April 6, 1983.

761—500.16(326) Registration of vehicles with non-Iowa titles. Carriers leasing non-Iowa titled vehicles shall submit to the office of motor carrier services a photocopy of the non-Iowa title with the license application as specified in paragraph 500.3(1) “a.” In the instance of a jurisdiction which does not issue titles, a photocopy of the bill of sale shall accompany the application.

500.16(1) In applying for licensing on a vehicle which a non-Iowa title is applied for, but not yet issued, the carrier shall indicate that a non-Iowa title has been applied for on the application. Upon

receipt of payment of the registration fees, the office of motor carrier services shall issue a title letter and a 30-day temporary registration for each vehicle with a non-Iowa title “applied for” status.

500.16(2) Upon return of this title letter and a photocopy of the non-Iowa title to the office of motor carrier services, permanent registration credentials shall be issued for each vehicle in this status.

This rule is intended to implement Iowa Code section 326.11.

761—500.17(326) Prorate plate. Upon payment of appropriate fees, the office of motor carrier services will issue one IRP nonexpiring plate for each power unit to be mounted on the front of the power unit and one nonexpiring trailer plate to be mounted on the rear of the trailer.

This rule is intended to implement Iowa Code section 326.14.

761—500.18 and 500.19 Reserved.

761—500.20(326) Record retention.

500.20(1) Requirement and penalty. Resident fleet owners shall preserve the records upon which their apportioned registration is based as required by the international registration plan (IRP) in Article XV, “Preservation of Records and Audit.” The department may assess a penalty upon fleet owners who have failed to maintain proper records.

500.20(2) Mileage records. Mileage records shall be preserved for the current registration year plus the three preceding registration years. Mileage summaries must be supported by individual vehicle mileage records to provide an auditable system.

500.20(3) Retention of source documents. Individual vehicle mileage records as specified in the IRP audit guidelines shall be acceptable to verify fleet mileage. The individual vehicle mileage record must include all of the following:

- a. Date of trip (starting and ending dates),
- b. Trip origin and destination,
- c. Routes of travel,
- d. Total trip miles,
- e. Mileage by jurisdiction,
- f. Unit number or vehicle identification number, and
- g. Odometer readings may be substituted for routes of travel if the substitution is approved by the department.

500.20(4) Reaudit and assessment. If an audit determines that a fleet owner has not maintained adequate mileage records, the following procedures will apply:

- a. The department will send an audit report to the fleet owner, detailing the areas of noncompliance.
- b. After a three-month grace period, the department shall reaudit the owner’s records to monitor improvement. If the owner’s record-keeping system is not in compliance at the time of the reaudit, the department shall assess an audit penalty. The penalty shall equal 20 percent of the owner’s projected full Iowa fees for the prorated year audited.
- c. After an initial billing, the owner shall be subject to periodic reaudits and penalties may be assessed for up to three full years of subsequent noncompliance, pursuant to the IRP reciprocity agreement.

This rule is intended to implement Iowa Code section 326.19A.

[Filed July 1, 1975]

[Filed without Notice, 6/8/76—published 6/28/76, effective 8/2/76]

[Filed 11/22/76, Notice 10/6/76—published 12/15/76, effective 1/19/77]

[Filed 10/17/77, Notice 8/24/77—published 11/2/77, effective 12/7/77]

[Filed 12/19/77, Notice 10/19/77—published 1/11/78, effective 2/15/78]

[Filed 10/5/79, Notice 8/22/79—published 10/31/79, effective 12/5/79]

[Filed 10/17/80, Notices 8/20/80, 9/17/80—published 11/12/80, effective 12/17/80]

[Filed 12/2/81, Notice 9/30/81—published 12/23/81, effective 1/27/82]

[Filed 2/7/83, Notice 12/22/82—published 3/2/83, effective 4/6/83]

[Filed 3/9/84, Notice 1/18/84—published 3/28/84, effective 5/2/84]

[Filed 5/11/87, Notice 3/11/87—published 6/3/87, effective 7/8/87]

[Filed emergency 11/30/89—published 12/27/89, effective 12/1/89]

[Filed emergency 3/26/92—published 4/15/92, effective 4/29/92]

[Filed 4/8/93, Notice 3/3/93—published 4/28/93, effective 6/2/93*]

CHAPTERS 501 to 504

Reserved

*Effective date of 500.1, definition of "Power unit," 500.2, 500.3(1), 500.3(3), introductory paragraph, 500.3(3)"a" and "c," 500.3(4)"a," introductory paragraph, 500.3(4)"c," 500.3(5)"a," introductory paragraph, 500.3(5)"a"(2), 500.3(5)"b"(2), 500.3(6), 500.6 to 500.9, 500.11, 500.12, 500.14, 500.17, 500.20, June 2, 1993, delayed 70 days by the Administrative Rules Review Committee at its meeting held May 12, 1993; delay lifted by this Committee June 8, 1993, effective June 9, 1993.